

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

INCREDIBLE TECHNOLOGIES, INC.,

Plaintiff

v.

VIRTUAL TECHNOLOGIES, INC.
d/b/a GLOBAL VR

Defendant

JUDGE KENNELLY

03C 1183

MAGISTRATE JUDGE ASHMAN

DOCKETED

FEB 19 2003

FILED-ED5
FEB 18 PM 2:32

CLERK
U.S. DISTRICT COURT

VERIFIED COMPLAINT FOR COPYRIGHT INFRINGEMENT, TRADE DRESS
INFRINGEMENT, UNFAIR COMPETITION AND INJUNCTIVE RELIEF

Incredible Technologies, Inc. ("IT") for its complaint states as follows:

PARTIES, JURISDICTION, VENUE

1. This is an action for copyright infringement, trade dress infringement and related claims against a company, Virtual Technologies, Inc. ("VT"), that is manufacturing, distributing, promoting and offering for sale through interstate commerce a virtual reality coin-operated video game that blatantly copies and duplicates in all material respects the virtual reality coin-operated video game that was created by and manufactured, distributed, promoted and offered for sale by Incredible Technologies, Inc. ("IT") and which is IT's most popular, profitable and famous coin-operated game. That game is a virtual reality golf game known as "Golden Tee Fore!" VT has violated IT's rights not only through the manufacture and distribution of the infringing game itself but also by blatant duplication of significant and material portions of the manuals created by IT for its client base. VT's violations include, without limitation, copying the shape and size of the Golden Tee Fore! hardware module as well as the sequences of events, arrangements, look, play and feel of Golden Tee Fore! VT's unauthorized reproduction and sale of its infringing game (known as PGA Tour Golf or EA Sports PGA Tour Golf or similar and/or other names,

together hereinafter "PGA Tour Golf"), is causing and threatens to cause continued irreparable harm to IT's marketing efforts for its properties and to its reputation.

2. IT is an Illinois corporation with its principal place of business in Arlington Heights, Illinois. It is doing business in this District and generally throughout the United States through the sale and distribution of its products, including Golden Tee Fore! On information and belief there remains approximately 100,000 Golden Tee Fore! and predecessor games operating in the U.S.

3. VT is a Delaware corporation with an office in San Jose, California. It is doing business in this District and throughout the United States by the sale and distribution of its products, including PGA Tour Golf. VT is regularly and continuously soliciting business and/or generating substantial revenues from the sale and distribution of PGA Tour Golf in the State of Illinois directly and through distributors, including, without limitation, American Vending Sales, Elk Grove Village, Illinois and Atlas Distributing Company, Elk Grove Village, Illinois. Those two distributors are located within ten miles of IT's principal place of business.

4. This Court has subject matter jurisdiction over the controversies between the parties under 28 U.S.C. §1331 since they involve questions arising under the statutes of the United States including the Copyright Act, 28 U.S.C. §1338(a) and the Lanham Act, 15 U.S.C. §1121, 1125(a) and (c). This Court also has subject matter jurisdiction over the controversies between the parties under 28 U.S.C. §1332 since there is complete diversity of jurisdiction among the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. This Court has personal jurisdiction over VT because it has transacted business in Illinois, committed tortious acts in Illinois, has made and performed contracts substantially connected with the State of Illinois and is doing business in Illinois. This Court has pendant jurisdiction over the related state law claims under 28 U.S.C. §1338(b).

5. Venue is proper under 28 U.S.C. §1391 as VT has committed acts in this District of trade dress and copyright infringement and other acts which are alleged herein.

THE GOLDEN TEE FORE! GAME

6. In February 2000, IT introduced into commerce the original version of Golden Tee Fore!, a virtual reality coin-operated game that mimics certain features of the game of golf in a computer-generated simulated three-dimensional environment. Golden Tee Fore! comes mounted on a kiosk-type display cabinet which uses a proprietary computer program for its simulations. One or more users play Golden Tee Fore! by operating various controls, including a "trackball" and various buttons which control the distance, direction, spin and amplitude, among other features, of a golf shot. Users' physical actions are translated into audio-visual displays by Golden Tee Fore!'s computer program and result in sensory feedback to the users creating the impression that they control the virtual environment. IT has expended millions of dollars in becoming the acknowledged industry leader in coin operated video golf games.

7. Golden Tee Fore! users are charged a fee based upon the mode of play (such as League and Tournament) and length of participation selected. Using the Internet, users worldwide can actively compete against one another during contests and tournaments using a bank of computer servers located at IT's Illinois office. Results of contests and tournaments can be accessed on IT's website for later use by users who receive their own login. As VT's Private Placement Memorandum dated May 1, 2001 ("PPM") states,

"A more innovative use of the Internet in the arcade industry has been undertaken by Incredible Technologies (ITI). Instead of just using the Internet to allow players to compete directly against one another, ITI has utilized the network capabilities of a PC based platform and the power of the Internet to foster competition through tournament play. When a player uses one of ITI's Golden T golf games, the player can join in an international tournament and see how his scores compare to those of other players all over the world."

8. Using the trackball, a user mimics a golf shot, controlling the virtual golf ball's

distance, direction, spin and amplitude through touch and feel. A user can sense the feel of a golf club, the ball and then the club's impact on the ball. The Golden Tee Fore! monitor creates a real-time depiction of the ensuing flight of the ball both in flight and when it reaches its ultimate destination. Aerodynamics are incorporated into the Golden Tee Fore!'s computer program to realistically portray a golf ball's trajectory and ground-based dynamics.

9. The Golden Tee Fore! display cabinet has a distinctive physical appearance which includes a control panel, a main marquee (26"x 8"), a head level marquee (10"x 5"), a monitor set at an approximate 45° angle, side graphics and speakers. See, **Group Exhibit 1**. The control panel has a blue background and includes several fields. In the center is the trackball surrounded by eight arrows. They are numbered 1-3 at the top to correspond to three "Forward Swing" categories, A-C at the bottom to correspond to three "Back Swing" categories, with the seventh and eighth arrows being located on the left and right sides of the trackball and entitled "Choose Club." To the left of the trackball are three white buttons in a triangle formation which prior to hitting the ball (i) change the player's vantage point and allows for a fly-by camera shot, and (ii) after the ball is in flight change camera angles for viewing golf shots. These buttons are labeled "Right," "Left" and "Fly-By." To the right of the trackball are a white button, which changes the shot type, and a "Start/Options" red button, which also functions as a replay button when playing the game. A box in the lower right corner has instructions entitled "Choose Club," "Back Swing" and "Forward Swing." Under "Choose Club" appears the instruction "move trackball right or left to choose club." Under "Back Swing" appears the instruction "move trackball down to swing club back." Under "Forward Swing" appears the instruction "move trackball up to swing club forward." At the top of the control panel are elongated arrows in various shapes depicting nine trajectories, each with two truncated arrows. Immediately below the nine trajectory arrows is a four-line "Warning" which states:

“!Warning: Hitting the trackball with excessive force may cause injury. Loose bolts, screws or other items on the control panel may result in injury. Please check before play!”

The marquee contains corporate identification materials such as logos as well as general announcements on a scrolling panel/screen.

10. The monitor is where the virtual reality 3-D experience is interacted with and viewed. Unlike any prior video game, the monitor of Golden Tee Fore! is set at an approximate 45° angle, a characteristic uniquely associated with Golden Tee Fore! The monitor displays a leaderboard and a variety of “course records” and statistics with and without dates. Game selections can be made for a variety of variables such as number of players, play type, course selection, game length and coin insertions. In-game status observations include a wind meter in mph, degrees of green slope and a top down view. Numerous graphics depict play at each juncture of the virtual reality experience. At the end of the game, a summary appears followed by appropriate credits.

See, **Group Exhibit 2.**

11. Each Golden Tee Fore! is operated by its owner-purchaser or its lessee. Each purchaser receives a manual that contains a two-page Operator Agreement and a one-page Game Registration Form. Each purchaser has the option of varying the fees charged for the various modes of play incorporated into Golden Tee Fore! See, **Group Exhibit 3.**

12. Golden Tee Fore! is the industry leader in coin-operated virtual reality golf games.

13. IT has extensively advertised and promoted Golden Tee Fore! Golden Tee Fore! has become immensely popular and enjoyed tremendous success since its initial release. The success of the game has led to derivative versions of the original game.

14. Golden Tee Fore! Is an original, copyrightable computer program and audiovisual work and is a wholly original work with at least the minimum creativity needed for copyright protection.

Among the copyright registrations that have been issued to IT relating to Golden Tee Fore!, copies of which are attached as **Group Exhibit 4**, are the following:

Registration No.	Name	Registration Date
TX 5-639-957	International Tournament Systems Procedures	January 29, 2003
PA 1-107-831	Golden Tee Fore! (Version 1)	January 29, 2003
PA 1-107-829	Golden Tee Fore! 2002 (Version 2)	January 29, 2003
PA 1-107-830	Golden Tee Fore! 2003 (Version 3)	January 29, 2003

15. IT has been the sole owner and proprietor of all right, title and interest in and to the copyrights in Golden Tee Fore! and such copyrights are valid and subsisting and in full force and effect.

16. VT has no license, permission or authority from IT to use the copyrights in Golden Tee Fore!

17. At all times since the publication of Golden Tee Fore!, all lawful copies and versions of Golden Tee Fore! have been published and distributed in conformity with the Copyright Act.

THE PGA TOUR GOLF GAME

18. In October 2002 VT introduced and officially launched PGA Tour Golf. On December 2, 2002, VT publicly referred to PGA Tour Golf as a "Smash Hit" while announcing its most recent software update, denominated Version 1.1. PGA Tour Golf is a blatant copy and misappropriation of IT's Golden Tee Fore!

19. VT in its published materials and public remarks has stated that it developed PGA Tour Golf to be "very similar" to Golden Tee Fore! "recommending all of the same pricing for players." When VT was asked if it had "a kit to take everything out of an IT game and make it a

Global game” an officer stated that “I assure you I know the value of such a kit and its is something we are looking very closely at and if it’s something we can do...you’ll hear about it, I promise you.” When questioned about the number of pin placements per hole, he said that the two that VT had were being increased to five like Golden Tee Fore!, “automatically” in November 2002. Potential users were advised that the bank accounts they had with IT could be used for VT if they switched. The officer said that “our game [has] features that are more like Golden Tee Fore!, for example, a little marker that tells you how far your drive is going to go...” He had earlier referred to VT’s “sole dependence on Golden Tee Fore! from Incredible Technologies.”

20. In its January 2003 Business Plan, VT stated, inter alia, that “Incredible Technologies, GVR closest competitor, is estimated to bring in \$20 million a year in tournament revenue, while paying out only \$2 Million in prizes. Utilizing this model, GVR's tournament revenue will be the most profitable and scalable part our business.”

21. VT’s website features a December 8, 2002 newspaper article from the Minneapolis-St. Paul Star Tribune written by Chuck Harga. The article concerns virtual reality golf games and refers by name to Golden Tee Fore! innumerable times. The article states, inter alia,

“...the games have been a huge draw. When Blondie's fielded an eight-player team for a video golf tournament with Golden Tee gamers from other bars, ‘we had to play qualifying rounds for two months just to make the team,’ Shafer said. ‘We had too many good players.’

“‘You have a lot of good, solid players in Minnesota,’ said Gary Colabuono, marketing director for Incredible Technologies, the Illinois company that makes Golden Tee, the top-grossing video game in the world the past seven years.

“‘The game's revenues will top \$350 million next year, Colabuono said, ‘more than the last ‘Star Wars’ did.’

“Minnesota is now the land of just under 1,000 Golden Tees, and the company has about 100,000 machines in play around the world -- not counting the mobbed-up game in Tony Soprano's Bada Bing nightclub on the HBO series ‘The Sopranos.’

22. PGA Tour Golf was intentionally created to copy every significant aspect of Golden Tee Fore! The dimensions of its display cabinet are virtually identical, no dimension varying by more than one inch. The layout of its control panel is identical. Its monitor displays are indistinguishable. Its two-page Operator Agreement is word for word (but for the name of the company) verbatim IT's. Its one-page Game Registration Form is word for word (but for the name of the company) verbatim IT's.

23. Almost every material aspect of PGA Tour Golf is a blatant misappropriation of IT's protected works.

24. VT has a trackball that duplicates IT's. Just as in Golden Tee Fore!, a user mimics a golf swing, controlling the virtual golf ball's distance, direction, spin and amplitude through touch and feel. The VT monitor (placed at the same angle and location as IT's is) creates a real-time depiction of the ensuing flight of the ball both in flight and when it reaches its ultimate destination. Nearly the same physics are incorporated into PGA Tour Golf.

25. VT's display cabinet mirrors that of Golden Tee Fore! It includes a control panel, a main marquee (27"x 7 3/4"), a head level marquee (10"x 5"), a monitor mounted at an approximate 45° angle, side graphics and speakers, all just like Golden Tee Fore! See, **Group Exhibit 5**. The control panel for PGA Tour Golf has a blue background and includes several fields just like Golden Tee Fore! These items are located precisely where they are located on Golden Tee Fore! In the center is the trackball surrounded by eight arrows. They are numbered 1-3 at the top to correspond to three categories denominated "Forward Swing" just like Golden Tee Fore!, A-C at the bottom to correspond to three categories denominated "Back Swing" just like Golden Tee Fore!, with the seventh and eighth arrows being located on the left and right sides of the trackball and entitled "Choose Club" just like Golden Tee Fore! To the left of the trackball are three white buttons in the exact same triangle formation as in Golden Tee Fore!, which prior

to hitting the ball (i) change the player's vantage point and allow for a fly-by camera shot just like Golden Tee Fore!, and (ii) after the ball is in flight are used to change camera angles for viewing golf shots just like Golden Tee Fore! These buttons are labeled "Turn Right," "Turn Left" and "Fly Over." To the right of the trackball are a white button, which changes the shot type just like Golden Tee Fore!, and a "Start Options" red button," which also functions as a replay button when playing the game, again just like Golden Tee Fore! A box in the lower right corner has instructions entitled "Choose Club," "Back Swing" and "Forward Swing," precisely like Golden Tee Fore! Under "Choose Club" appears the instruction "roll trackball left and right to select club." Under "Back Swing" appears the instruction "roll trackball down to swing club back." Under "Forward Swing" appears the instruction "roll trackball up to swing club forward." At the top of the control panel are elongated arrows in various shapes depicting nine trajectories, each with two truncated arrows. Every one of the nine arrows copies exactly the placement and shape of the Golden Tee Fore! arrows. Immediately below the nine trajectory arrows is a four line "Warning" which states:

"! PGA Tour Golf Warning Message: Using the trackball with excessive force could cause injury. Screws, loose bolts or other objects on the control panel may result in injury. Please check before play and have fun!"

The marquee contains corporate identification materials such as logos as well as general announcements on a scrolling panel/screen just like Golden Tee Fore!

26. VT's monitor is where the virtual reality 3-D experience is interacted with and viewed. It, like Golden Tee Fore!'s monitor, is angled at approximately 45° and contains a leaderboard display and a variety of "course records" and statistics with and without dates. The precise games that can be selected in Golden Tee Fore! can be selected in PGA Tour Golf. The same variables that exist in Golden Tee Fore! are used in PGA Tour Golf, such as number of players, play type, course selection, game length and coin insertions. There is a wind meter in

mph, degrees of green slope and a top down view. Just like Golden Tee Fore!, PGA Tour Golf has numerous graphics that depict play at each juncture of the virtual reality experience. At the end of the game, a summary appears followed by credits just like in Golden Tee Fore! See, **Group Exhibit 6.**

27. Each purchaser receives a manual that contains a two-page Operator Agreement and a one-page Game Registration Form. But for the name of the company each is a verbatim copy of IT's. Each purchaser has the option of varying the fees charged for the various modes of play incorporated into PGA Tour Golf just like Golden Tee Fore! See, **Group Exhibit 7.**

28. To play PGA Tour Golf, a user utilizes almost identical inputs and variations as he does in Golden Tee Fore! The same methods of varying the distance a golf ball travels are used, the same contests are used, similar tournaments are implemented, the leaderboard offers identical features and the game summaries are duplicative.

29. PGA Tour Golf was created solely to copy the widely accepted trade leader, Golden Tee Fore! A purchaser or user would believe that PGA Tour Golf is provided by the same source as Golden Tee Fore! A detailed comparison of the two is attached hereto at **Exhibit 8.**

COUNT I: FEDERAL COPYRIGHT INFRINGEMENT

30. Plaintiff repeats and incorporates ¶¶s 1-29 above as though fully stated herein.

31. VT has had access to Golden Tee Fore! and has sold and is selling games that copy Golden Tee Fore!, including but not necessarily limited to a game called PGA Tour Golf.

32. In PGA Tour Golf, VT has copied the shapes, sizes, sequences, configurations, forms, patterns, dimensions, contents, supporting documentation, manuals, physical cabinet, player perspective and arrangements as well as the look, play and feel of Golden Tee Fore! Thus, PGA Tour Golf was copied from or is a derivative work of Golden Tee Fore! or a subsequent derivative work thereof.

33. VT's infringement of the Golden Tee Fore! copyrights was and is deliberate, willful and in utter disregard of IT's rights. Indeed, despite the receipt of a letter from IT's counsel, dated October 11, 2002, demanding that the infringements cease and desist, VT has continued to sell its infringing PGA Tour Golf game.

34. By reason of the foregoing, VT has infringed IT's copyrights in violation of 17 U.S.C. §501.

35. By reason of the foregoing, IT has been irreparably harmed and has no adequate remedy at law.

36. By reason of the foregoing, IT also has been damaged and is continuing to be damaged in an amount to be determined by the trier of fact and VT has been and continues to be unjustly enriched.

COUNT II: FEDERAL AND STATE TRADE DRESS INFRINGEMENT

37. Plaintiff repeats and incorporates ¶¶s 1-36 above as though fully stated herein.

38. Plaintiff has designed and has sold Golden Tee Fore! since 2000. The Golden Tee Fore! shapes, sizes, sequences, configurations, forms, patterns, dimensions, contents, supporting documentation, manuals, physical cabinet, player perspective and arrangements are distinctive in their appearance. All of such characteristics and items have come to be identified by interested members of the public as originating from Plaintiff.

39. Defendant has introduced its product line including but not necessarily limited to a game called PGA Tour Golf which are direct copies of Golden Tee Fore! with insignificant variations.

40. Defendant has copied the trade dress of Golden Tee Fore! including its configuration in violation of 15 U.S.C. § 1125(a). Defendant is selling its copied products in exactly the same way as Plaintiff does with the hope and expectation that persons seeking to buy Plaintiff's

product would buy and/or play Defendant's product instead and by mistake. Plaintiff's trade dress has acquired a secondary meaning and Defendant's use of similar trade dress will confuse the public.

41. Defendant's violation of Plaintiff's rights was and is deliberate, willful and in utter disregard of Plaintiff's rights. Indeed, despite the receipt of a letter from Plaintiff's counsel, dated October 11, 2002, demanding that the infringements cease and desist, Defendant has continued to sell its infringing PGA Tour Golf game.

COUNT III: FEDERAL AND STATE UNFAIR COMPETITION

42. Plaintiff repeats and incorporates ¶¶s 1-41 above as though fully stated herein.

43. Defendant has violated the Illinois Uniform Deceptive Trade Practices Act (815 ILCS 510/1 et seq.) and engaged in unfair methods of competition and deceptive acts in violation of 15 U.S.C. § 1125(a).

44. Defendant has caused a likelihood of confusion and misunderstanding as to the sources and qualities of the products offered by Plaintiff and by Defendant.

45. Defendant has engaged in unfair competition in violation of the common law of Illinois and other states.

46. Defendant has engaged in unfair competition in violation of Federal common law.

47. By reason of Defendant's acts complained of herein, Defendant has caused a likelihood of confusion among the public, competed unfairly, and committed unfair and deceptive acts in the conduct of their trade or commerce, in violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS §510/1, et seq.

48. Defendant's violation of Plaintiff's rights was and is deliberate, willful and in utter disregard of Plaintiff's rights. Indeed, despite the receipt of a letter from Plaintiff's counsel, dated

October 11, 2002, demanding that the infringements cease and desist, Defendant has continued to sell its infringing PGA Tour Golf game.

COUNT IV: PRELIMINARY AND PERMANENT INJUNCTION

49. Plaintiff repeats and incorporates ¶¶s 1-48 above as though fully stated herein.

50. Plaintiff has and will continue to sustain irreparable damages from Defendant's conduct and actions for which there is no adequate remedy at all.

WHEREFORE, PLAINTIFF PRAYS THAT:

A. Defendant, its directors, officers, agents, servants, employees, attorneys and all other persons in active concert or participation with any of them be preliminarily and permanently enjoined from manufacturing, marketing, advertising, shipping, distributing, selling or other dealing with or in that portion of its product line that violates or infringes upon Plaintiff's right, title and interest in and to Golden Tee Fore!, including but not necessarily limited to a game called PGA Tour Golf

B. Defendant be ordered to file with the Court and serve on Plaintiff's counsel within thirty days after entry of the injunction, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the injunction;

C. Defendant be ordered to recall from distributors, operators, retailers, customers and the stream of commerce and to deliver up to Plaintiff for destruction all PGA Tour Golf games together with all molds, labels, signs, prints, packages, wrappers, receptacles, advertising, promotional material, brochures, manuals, pamphlets, descriptive material, work in progress, or the like in the possession, custody or under the control of Defendant, depicting or relating to PGA Tour Golf and any other materials which violate or infringe Plaintiff's rights;

D. Defendant be ordered to recall from distributors, operators, retailers, customers and the stream of commerce and to deliver up for destruction all PGA Tour Golf games together with all

molds, labels, signs, prints, packages, wrappers, receptacles, advertising, promotional material, brochures, manuals, pamphlets, descriptive material, work in progress, or the like, depicting or relating to PGA Tour Golf and any other materials which violate or infringe Plaintiff's rights;

E. Pursuant to 17 U.S.C. §504 Plaintiff be awarded Defendant's profits attributable to their illegal acts in violation of Plaintiff's copyrights complained of herein;

F. Pursuant to 17 U.S.C. §504 Plaintiff be awarded damages to be determined by the trier of fact sustained as a result of Defendant's illegal conduct;

G. Pursuant to the common law Plaintiff be awarded damages to be determined by the trier of fact;

H. Pursuant to the Illinois Uniform Deceptive Trade Practices Act Plaintiff be awarded damages to be determined by the trier of fact;

I. Plaintiff be awarded the maximum statutory damages pursuant to 17 U.S.C. §504(c);

J. Plaintiff be awarded full costs and reasonable attorneys' fees pursuant to 17 U.S.C. §505;

K. Granting Plaintiff any other remedy to which it may be entitled under 17 U.S.C. §501-11 and common law;


L. Such further and other relief be granted, including costs of suit, as may be just and equitable in the circumstances.

JURY DEMAND

Plaintiff demands trial by jury of all triable issues.

IN WITNESS WHEREOF, the undersigned has executed this Complaint and swears, testifies and avers under penalty of perjury as to the truthfulness of the matters set forth herein, except as to matters stated as based on information and belief as to which he verily believes the same to be true.

Respectfully submitted,
INCREDIBLE TECHNOLOGIES, INC.

By: 
James M. Doré, CFO and COO

Bruce P. Golden
Bruce P. Golden & Associates
4137 N. Hermitage Avenue
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773-248-4905

Robert J. Schneider, Esq.
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111 West Monroe Street
Chicago, Illinois 60603
312-845-3919

**SEE CASE
FILE FOR
EXHIBITS**

JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information entered herein neither replace nor supplement the filing and service of process or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Incredible Technologies, Inc.

MAGISTRATE JUDGE ASHMAN

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Cook

DEFENDANTS

Virtual Technologies, Inc.
d/b/a Global VR

DOCKETED

FEB 19 2003

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Bruce P. Golden
4137 N. Hermitage
Chicago, IL 60613
773-248-4905Robert J. Schneider
Chapman & Cutler
111 W. Monroe, Chgo 60601
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ATTORNEYS (IF KNOWN)

03C 1183

FILED
03 FEB 18 2003
CLERK OF COURT
U.S. DISTRICT COURT

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

Copyright and trademark infringement. 28 U.S.C. §1338(a);
15 U.S.C. §1121, 1125(a) and (c).

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/et <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 610 Selective Service <input type="checkbox"/> 650 Securities/Commodities/Exchange <input type="checkbox"/> 675 Customer Challenge 12 USC 3410 <input type="checkbox"/> 691 Agricultural Acts <input type="checkbox"/> 692 Economic Stabilization Act <input type="checkbox"/> 693 Environmental Matters <input type="checkbox"/> 694 Energy Allocation Act <input type="checkbox"/> 695 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 260 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7608	

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$ \$6 million

Check YES only if demanded in complaint:

JURY DEMAND:

☒ YES ☐ NO

VIII. REMARKS

In response to ☒ is not a refiling of a previously dismissed actionGeneral Rule 2.21D(2) this case ☐ is a refiling of case number _____ of Judge _____DATE
February 18, 2003

SIGNATURE OF ATTORNEY OF RECORD

Bruce P. Golden

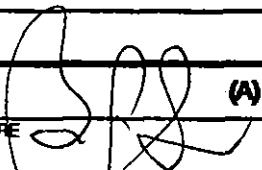
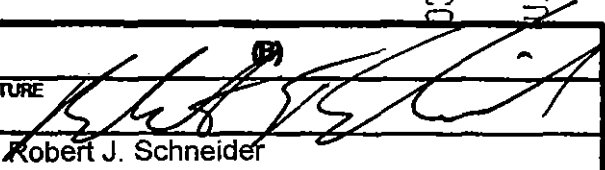
UNITED STATES DISTRICT COURT

1-2

UNITED STATES DISTRICT COURT**NORTHERN DISTRICT OF ILLINOIS****EASTERN DIVISION****JUDGE KENNELLY****MAGISTRATE JUDGE ASHMAN**

In the Matter of Incredible Technologies, Inc. **FILED** FEB 19 2003
 v. Virtual Technologies, Inc.
 d/b/a Global VR

Case Number:**03C 1183****APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:***Plaintiff*

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Bruce P. Golden		NAME Robert J. Schneider	
FIRM Bruce P. Golden & Associates		FIRM Chapman & Cutler	
STREET ADDRESS 4137 N. Hermitage Avenue		STREET ADDRESS 111 W. Monroe Street	
CITY/STATE/ZIP Chicago, Il. 60613		CITY/STATE/ZIP Chicago, Il. 60603	
TELEPHONE NUMBER 773-248-4905		TELEPHONE NUMBER 312-845-3919	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 0988693		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 02499223	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

1-3